



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

NOV 05 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 9842

Mr. Mark Lob
Operations Manager
Advanced Waste Services of Iowa
640 63rd Avenue SW
Cedar Rapids, Iowa 52404

RE: Advanced Waste Services of Iowa
Cedar Rapids, Iowa
RCRA Identification Number: IAR000510438

Dear Mr. Lob:

Letter of Warning/Request for Information

On May 26, 2015, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report, and your June 16, 2015, and July 13, 2015, responses to the Notice of Preliminary Findings (NOPF) and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Edwin G. Buckner, PE, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas, 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Buckner, of my staff, at 913-551-7621 or buckner.edwin@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Toensing', with a stylized flourish at the end.

Donald Toensing
Chief
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (4)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Advanced Waste Services of Iowa
Cedar Rapids, Iowa
RCRA Identification Number: IAR000510438

1. Title 40 Code of Federal Regulations (40 CFR) § 279.52(b)(1) requires owners and operators of used oil processing facilities to have a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of used oil to air, soil, or surface water. Section 279.52(b)(2)(iv) requires such a plan to list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date. During the May 26, 2015, inspection, the EPA's representative observed that the home addresses for the emergency coordinator and alternate emergency coordinator were not written in the contingency plan. By failing to include these addresses in the contingency plan, Advanced Waste Services (AWS) violated 40 CFR § 279.52(b)(2)(iv). AWS subsequently corrected the violation.
2. Title 40 CFR § 279.54(f)(1) requires owners and operators of used oil processing facilities to clearly label or mark containers and above-ground tanks used to store or process used oil with the words "Used Oil." During the inspection, the EPA's representative observed that numerous tanks at the facility were not labeled with the words Used Oil as listed below:
 - a. Eight, 4,000 gallon tanks receiving oily wastewater (used oil) for initial pH adjustment,
 - b. Six, 2,500 gallon processing tanks where separation occurs,
 - c. Seven, 3,000 gallon tanks used for pre-filtration and flocculation,
 - d. One, kettle used to heat the used oil, and
 - e. Three, various sized cooling tanks,

Per the March 22, 1994, EPA guidance, RO11818 (enclosed), oily wastewater meets the § 279.1 definition of used oil, thus all tanks or containers holding oily wastewater must meet the applicable used oil standard. By failing to label the above tanks with the words used oil, AWS violated 40 CFR § 279.54(f)(1). AWS subsequently corrected the violation for the kettle and three cooling tanks, but the violation citation for the other 21 tanks remains unresolved.

Requested Information
Advanced Waste Services of Iowa
Cedar Rapids, Iowa
RCRA Identification Number: IAR000510438

1. Provide documentation that all used oil tanks and containers on site, including those identified in violation number two, have been labeled or marked with the words "Used Oil."
2. Provide copies of shipping documentation for used oil shipped off site to used oil burners during September 2015 as required by 40 CFR § 279.74. If no used oil was shipped off site during September 2015, provide documentation for the last previous month used oil was shipped.
3. Provide copies of the most recent testing of AWS's emergency equipment.
4. Provide copies for September 2015 of test results for incoming loads of used oil. Also identify the results of halogen testing as required by 40 CFR § 279.53. If process knowledge was used to make the halogen content determination, provide copies of documentation used to make that determination. If no used oil was received during September 2015, provide documentation for the last previous month used oil was received.
5. Provide a copy of AWS's waste analysis plan.
6. Provide documentation of the 40 CFR § 262.11 hazardous waste determination AWS performed on the sludge sent to the landfill.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

9592.1994(02)

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

March 22, 1994

Mr. Gary F. Lindgren
Vice President, Environmental Compliance
Heritage Environmental Services, Inc.
7901 West Morris Street
Indianapolis, Indiana 46231

Dear Mr. Lindgren:

Thank you for your letters of August 6, 1993, and February 8, 1994, requesting clarification of the Environmental Protection Agency's (EPA) Recycled Used Oil Management Standards as they apply to wastewater treatment activities. I apologize for the delay in responding to your request.

As you correctly note in your letter, wastewater that contains used oil meets the §279.1 definition of used oil and is subject to regulation under the used oil management standards. You first ask whether the oil that is recovered from such wastewater during: a) treatment to meet a Clean Water Act (CWA) permit discharge limit; or b) a used oil recovery process, would also be considered used oil under §279.1. The answer in both cases is yes. Used oil that is recovered from wastewater during treatment to make the wastewater acceptable for discharge under a CWA permit is regulated as used oil. Similarly, oil recovered from wastewater generated during a used oil recovery process is also considered used oil for regulatory purposes.

Your second question is whether residues or sludges from CWA treatment of wastewater containing used oil is included in the definition of used oil. In technical amendments and corrections to the used oil rule, published on May 3, 1993, EPA clarified that used oil residues and sludges are subject to regulation under the used oil management standards. (58 FR 26422)

Finally, you ask whether EPA differentiates between a CWA

RO 11818

wastewater treatment operation that includes oil/water separation and a used oil processing operation that includes CWA permitted oil/water separation. EPA specifically addressed this issue in recently issued amendments to the final used oil regulations. These amendments were signed by the EPA administrator on February 25, 1994, and have been sent to the Federal Register for publication. A pre-publication copy of the final rule is attached .

The attached final rule clarifies that separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge pursuant to a CWA discharge permit are not subject to the used oil processor standards, provided that the recovered used oil is not being sent to an off-site used oil burner (see §279.20(b)(2)(ii)(B)). As discussed in the attached preamble, under §279.20(b)(2)(ii)(B), oil/water separation activities conducted by a used oil processor (for purposes of wastewater discharge) on wastewater which has been generated by that processor are not subject to the Subpart F processor standards (see pg.38). In other words, EPA does not differentiate between oil/water separation activities conducted by used oil processors and oil/water separation activities undertaken by non-used oil processors. Provided that the wastewater is generated on-site, neither activity is subject to the used oil processor standards. However, as further clarified in the preamble, persons who perform oil/water separation activities on wastewater that is received from off-site would be considered used oil processors (see pg.39 of the attached).

You should note, however, that the Federal used oil regulations (including the amendments cited in this letter) are not currently in effect in States authorized to implement the hazardous waste program and will not become effective in such states until they are adopted as State law. Also, it is important to note that State regulations may be more stringent than Federal regulations. If you have any further questions, please contact Eydie Pines of my staff at (202) 260-3509.

Sincerely,
Michael Shapiro
Director
Office of Solid Waste

Attachment